

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

Applicant has amended the claims so as to eliminate the alternative language to which the examiner objected.

Applicant respectfully requests the examiner to reconsider his rejection of the claims based on prior art.

The examiner rejected claim 51 under 35 U.S.C. 102(b) as being anticipated by Castler '926. It is respectfully submitted that the examiner's rejection is improper and should be withdrawn. In accordance with the present invention, the sensor is provided on the housing. In the Castler reference the motion sensing unit 60 is on the output shaft 54. See Figure 1 and, for example, column 6 lines 34 through 39 of the Castler '926 document. Accordingly, it can not be said that the Castler reference anticipates claim 31.

The examiner rejected claims 50, 53-55 and 60 under 35 U.S.C. 103 as being unpatentable over Castler in view of Grunbaum. As noted above the Castler reference does not teach provision of sensor mechanism provided on the housing wherein the at least one strained sensor is arranged near to attachment screw holes of an attachment flange provided on the housing. In this regard it should be noted that in the '439 patent that the housing 1 and the flange 3 are turnably connected to one another. See column 2 line 49-50. An electric load cell 8 is connected to the extension 2 of the housing 2 parallel to the axis of the motor. The electric load cell 8 has a bolt 9 which extends into a recess of the flange 3 and onto which strain gauges are adhesively secured. That means that the forces

applied to the housing and/or the attachment flange are not measured directly but via the forces which are effective on the bolt. The '439 does not measure the forces which are effective on the housing and/or the attachment flange but only the forces arising do to the distortion of the bolt. In case the material of the bolt is different from the material of the housing and/or the attachment flange the value of the strain sensor is adulterated. Thus, the combination of Castler and Grunbaum can not be said to teach, disclose, suggest or render obvious the claimed subject matter of claims 50, 53-55 and 60.

With regard to the rejection of claims 52, 57 and 65-68, the Matsuhima et al. reference fails to overcome the deficiencies noted above with regard to the primary and secondary references.

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the art of record and an early indication of same is respectfully requested.

This amendment should be entered after final rejection as the only amendment being made to the claims is made to overcome the examiner's objection raised in paragraph 1 of her final rejection. Accordingly, the amendment does not raise new issues which require further search or consideration and places the case in better condition for Appeal.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the

Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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